



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**SUBMISSION OF ISSUE FEE AND PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT**

APPLICANTS: Stemmer et al. CONFIRMATION NO. 6144  
SERIAL NO.: 09/710,903 GROUP ART UNIT: 2174  
FILED: November 14, 2000 EXAMINER: Peng Ke  
TITLE: "METHOD FOR ALTERING A PROTOCOL IN A MAGNETIC  
RESONANCE APPARATUS"

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

S I R:

Pursuant to the provisions of 37 C.F.R. § 1.81(a), Applicants herewith request withdrawal of the holding of abandonment for failure to pay the Issue Fee. The basis for the Petition is that the Notice of Allowance and Fee(s) Due was not received by the law firm of Applicants' representative.

Following a Decision of the Board of Patent Appeals and Interferences dated April 28, 2005, wherein the Examiner's final rejection of claims 1-3 was reversed, the application was returned to the Examiner.

The next paper that was received from the Patent and Trademark Office was the Notice Regarding Drawings dated December 16, 2005. This paper was received by the undersigned counsel's law firm on December 27, 2005.

Upon receipt of that paper, it became apparent to the undersigned counsel for the Applicants that the Examiner must have acted to allow the application, even though a Notice of Allowance Fee(s) Due had not been received by the undersigned counsel's law firm. The undersigned counsel therefore requested that his firm's

docketing supervisor, Lynn Weidenfeller, review the PAIR file for this application. Based on the review of the PAIR file, it was seen that a Notice of Allowance Fee(s) Due is contained in the PAIR file, requiring payment of the Issue Fee in the amount of \$1,400.00 by November 25, 2005. Even though a Notice of Abandonment had not been received by the undersigned counsel's firm, the undersigned counsel assumed that the status of this application in the Patent and Trademark Office was that the application was considered to be abandoned, in view of the non-payment of the Issue Fee. While this matter was being investigated and this Petition and accompanying documents were being prepared, a Notice of Abandonment, dated January 24, 2006, was received by the undersigned counsel's firm on January 30, 2006.

The undersigned counsel for the Applicants has reviewed the file maintained by his firm for this application, and finds no Notice of Allowance Fee(s) Due therein. This Petition is accompanied by the Declaration of Lynn Weidenfeller, the aforementioned docketing supervisor, who also has reviewed the file and found no Notice of Allowance Fee(s) Due therein. Moreover, as stated in her Declaration, Lynn Weidenfeller has reviewed all three of the locations in the docketing system of the undersigned counsel's law firm at which an entry would have been made if a Notice of Allowance Fee(s) Due had been received requiring payment of an Issue Fee on November 25, 2005. In view of the absence of entries at all three of these locations, it is clear that the Notice of Allowance Fee(s) Due was never received by the undersigned counsel's law firm.

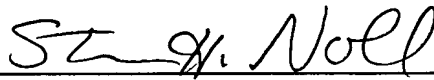
All requirements under MPEP§711.03(c).I.A, for withdrawing the holding of abandonment based on failure to receive the Notice of Allowance Fee(s) Due, are satisfied, and return of this application to "active" status is therefore proper.

In order to respond to all outstanding matters, this Petition is accompanied by the completed Fee Transmittal Form (which Applicants representative downloaded from PAIR only after receiving the aforementioned Notice Regarding Drawings on December 27, 2005) together with a check for the Issue Fee in the amount of \$1,400.00.

Also submitted herewith is Applicants' Response to the Notice Regarding Drawings, wherein sheets for Figs. 7, 8 and 9 are submitted wherein all reference characters are plain and legible.

Processing the drawings and the Issue Fee for this application as soon as possible are therefore respectfully requested, to permit issuance of this application as soon as possible.

Submitted by,

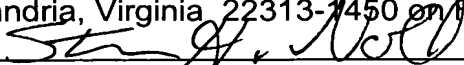
 (Reg. 28,982)

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on February 16, 2006.

  
STEVEN H. NOLL